IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 1259 of 2001 (S/S)
(Old No. 43860/2000)

Banta Prasad S/o Sri Ram Prasad Junior Clerk/Salesman, Rajkiya Viklang Karmshala, Evam Utpadan Kendra, Chamiyala, District Tehri Garhwal. **.... Petitioner.**

Versus

1. The State of Uttar Pradesh, through secretary, Viklang Kalyan Vibhag, Lucknow.
2. The Director, Viklang Kalyan Vibhag, U.P. at Lucknow.
3. The Zila Viklang Kalyan Adghikari, Nainital.
4. Adhikshak, Rajkiya Viklang Karmshala Evam Utpadan Kendra, Haldwani, District Nainital.
5. Adhikshak, Rajkiya Viklang Karmshala Evam Utpadan Kendra, Chamiyala, District Tehri Garhwal.
6. Smt. Gyan Devi, Adhikshak, Rajkiya Viklang Karmshala Evam Utpadan Kendra, Haldwani, District Nainital.
7. Sri Deep Chandra Pant, the then Zila Viklang Kalyan Adhikari, Nainital at present posted at Observatary, Nainital.

.... Respondents.

Sri Lalit Belwal, learned counsel for the petitioner.
Learned Standing counsel for respondents.

HON'BLE RAJESH TANDON. J.

20.02.2006.

Heard Sri Lalit Belwal, learned counsel for the petitioner, Smt. Beena Pandey counsel for respondent

no. 1 and 2 and Standing counsel for respondent no. 3 to 7.

By means of the present writ petition the petitioner has prayed for a writ of mandamus directing the respondents to pay Rs. 58,188,/- to the petitioner along with 24% interest.

Briefly stated, the petitioner is working as Junior Clerk/Salesman at Rajkiya Viklang Karmshala Evam Utpadan Kendra Chamiyala, District Tehri Garhwal. The grievance of the petitioner is that problem started from January 1998 when the respondent no.6 joined as respondent no.4 in Chamiyala, District Tehri Garhwal. Viklang Kendra Haldwani, he started interfering with the work of the employees and he did not permit the petitioner to sign the attendance register. However, when a complaint was made by the petitioner, the respondent no.6 was annoyed and ultimately that resulted for the non payment of the dues to the petitioner. The petitioner has given a detail of the amounts due to him at Annexure 13 to the writ petition which comes to Rs. 58,188/-. The same is quoted below:

''1. जून 99 से जनवरी 2000 तक का अवषेप वेतन — 50,503.00

2. माह जनवरी 99 से मई 99 तक महॅगाई भत्ते का अवषेप — 1,892.00
3. फरवरी 2000 से सितम्बर 2000 तक वेतन वृद्धि एरियर — 824.00
4. स्थानान्तरण यात्रा भत्ता बिल फरवरी 2000 — 4,969.00
— हल्द्वानी से परियात्रा टिहरी गढवाल तक का

.....
58,188.00
.....''

At the time of the admission of writ petition the respondents were directed to file counter affidavit on 16-10-2000 but no counter affidavit has been filed. The petitioner, therefore submitted that without any fault, the respondent with held his payments. On 1-3-1999 the Deputy Director issued an office order to the following effect:

कार्यालय ज्ञाप

प्रायः यह देखा जा रहा है कि संस्थाध्यक्षों द्वारा अपने अधीनस्थ कर्मचारियों के सेवा सम्बन्धी मामले जैसे चिकित्ससा अवकाष, अर्जित अवकाष, जी0पी0एफ0 एवं प्रोन्नत वेतनमान सम्बन्धी व अन्य मामले निदेषालय में कई महीनों पश्चात स्वीकृति हेतु प्रेपित किये जाते है। यह स्थिति अत्यन्त निन्दनीय है।

अतः समस्त सम्बन्धित संस्थाध्यक्षों को निर्देषित किया जाता है कि कर्मचारियों से सम्बन्धित मामले प्राप्ति के एक सप्ताह के भीतर नियमानुसार पूर्ण विवरण सहित निदेषालय भेजा जाना सुनिष्चित करे तथा भविष्य में भी ऐसे मामलों को देय तिथि के एक सप्ताह के अन्दर ही निदेषालय को भेजना सुनिष्चित करे। विलम्ब से प्राप्त होने वाले मामलों के लिये सम्बन्धित अधिकारी ही उत्तरदायी होगे।''

It may be pointed out that on 4-10-2000 there is a recommendation also for discharging the payment of the petitioner. The said recommendation is mentioned below:

'' अतः आपसे अनुरोध है कि उक्त सम्बन्ध में अपने स्तर से मार्ग दर्षन करने का कष्ट करें जिससे श्री बन्ता प्रसाद सेल्समैन के लम्बित देयकों का भुगतान समयान्तर्गत किया जा सके।''

The petitioner has already made a representation on 1-6-2000. The said representation had not been considered by the respondent. The petitioner, therefore, is directed to file a copy of representation dated 1-6-2000. The said representation shall be disposed of within a period of six weeks from the filling of the certified copy of the order. In case the respondents consider that the payment of the petitioner has been unnecessarily with held, the officer who has with held the payment of the petitioner shall be responsible for the payment of interest also on the amount which has been with held by the officer concerned. However, in any case the petitioner shall be entitled for the entire payment due to him within a period of 2 weeks thereafter after the adjudication of the claim of the petitioner along with interest @ 18%.

The petitioner has submitted that some payments have already been made in his favour, the said payment which have already been made will not be calculated again and again so far as the entire payment is concerned or for the purposes of interest is concerned.

Subject to above observations the writ petition is disposed of. No order as to costs.

(Rajesh Tondon. J)

20-02-2006
Negi